

ORIGINALStephen Escondon Medina
(Name)P.O. Box 5002

(Address)

Calipatria, CA 92233

(City, State, Zip)

CDC# E-63667

(CDC Inmate No.)

2254	1983
FILING FEE PAID	
Yes	No
HFP MOTION FILED	
Yes	No
COPIES SENT TO	
Court	ProSe

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2008 MAY 20 PM 2:26

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIABY Rm DEPUTY

United States District Court Southern District of California

STEPHEN ESCONDON MEDINA

(Enter full name of plaintiff in this action.)

Plaintiff,

v.

Correctional Officer R. Hueso,Correctional Officer Castone,

(Enter full name of each defendant in this action.)

Defendant(s).

'08 CV 0896 JLS RBB

Civil Case No. _____

(To be supplied by Court Clerk)

Complaint under the
Civil Rights Act
42 U.S.C. § 1983**A. Jurisdiction**

Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.

This Court has supplemental jurisdiction over Plaintiff's state law claim _____

(28 U.S.C. Section 1367)

B. Parties1. Plaintiff: This complaint alleges that the civil rights of Plaintiff, Stephen Escondon

(print Plaintiff's name)

Medina, who presently resides at Calipatria State Prison,

(mailing address or place of confinement)

P.O. Box 5002, Calipatria, CALIFORNIA 92233

, were violated by the actions

of the below named individuals. The actions were directed against Plaintiff at California, while being transported, in Southern CA on (dates) 07/18/07, 07/18/07

(institution/place where violation occurred)

(Count 1)

(Count 2)

2. Defendants: (Attach same information on additional pages if you are naming more than 4 defendants.)
(Please see NOTE at bottom concerning identity of these defendants.)

Defendant R. Hueso resides in unknown
(name) (County of residence)
and is employed as a Correctional Officer. This defendant is sued in
(defendant's position/title (if any))
his/her ☒ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting
under color of law: Defendant Hueso is a Correctional Officer of the California
Department of Corrections who, at all times mentioned in this complaint, held
the rank of Search and Escort and was assigned to Calipatria state prison.

Defendant Castone resides in unknown,
(name) (County of residence)
and is employed as a Correctional Officer. This defendant is sued in
(defendant's position/title (if any))
his/her ☒ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting
under color of law: Defendant Castone is a Correctional Officer of the California
Department of Corrections who, at all times mentioned in this complaint, held
the rank of Search and Escort and was assigned to Calipatria state prison

Defendant No other defendants. resides in Not Applicable.
(name) (County of residence)
and is employed as a _____ This defendant is sued in
(defendant's position/title (if any))
his/her ☐ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting
under color of law: Not applicable.

Defendant No other defendants. resides in Not Applicable.
(name) (County of residence)
and is employed as a _____ This defendant is sued in
(defendant's position/title (if any))
his/her ☐ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting
under color of law: Not applicable.

NOTE:

The full name and position/title of each defendant named herein is currently unknown to Plaintiff. Prison officials at Calipatria State Prison refused to disclose to Plaintiff the full names and position/titles of each defendant. As such, until Plaintiff discovers each defendant's full identity, or unless this Court instructs otherwise, Defendants will only be identified throughout this complaint as Defendant Hueso and Defendant Castone.

C. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following civil right has been violated: FREEDOM FROM UNHEALTHY OR DANGEROUS CONDITIONS (8TH AMENDMENT OF THE UNITED STATES CONSTITUTION)
(E.g., right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 1.]

1. On July 18, 2007, Plaintiff Stephen Escondon Medina (hereafter "Plaintiff") appeared before Defendant Hueso and Defendant Castone in order to be transported to "Alvarado Hospital Medical Center"¹ for a scheduled medical appointment. Per CDCR² transportation procedures, the defendants fastened waist-chains and leg-restraints to Plaintiff's person (See Restraint Draft, attached as Exhibit A) and then placed Plaintiff inside a CDCR transportation van. As illustrated in Exhibit B, Plaintiff was seated near the back door of the van. Plaintiff was the only prisoner being transported this date.

2. Upon being seated, Plaintiff requested to the defendants to be buckled-up with the seat-belt located in the seat he was placed in.³ Neither defendant responded, nor did they secure the seat-belt to Plaintiff. Plaintiff could not personally put the seat-belt on himself because of the restraints on his person. Plaintiff was then transported to Alvarado Hospital, with Defendant Hueso driving.

3. About two hours later, Plaintiff arrived at Alvarado Hospital, and was taken inside to have his scheduled session with the doctor. During the session, Plaintiff observed Defendant Castone teetering back and forth, while standing, just enough to be noticed. Defendant Castone appeared to have a tired, exhausted look on his face. Plaintiff also observed Defendant Castone close his eyelids on a few occasions for brief periods -- as if he were falling asleep. Defendant Hueso was present in the doctor's room and also observed Defendant Castone's physical appearance and movements.

(SUPPORTING FACTS CONTINUED ON ADDITIONAL PAGES)

¹. Location of hospital is currently unknown to Plaintiff.

². CDCR designates California Department of Corrections and Rehabilitation.

³. Seat-belts were in plain view -- enough to be noticed by Plaintiff upon entering the van.

Supporting Facts of Count 1:
(Continued)

4. Upon conclusion of the session, Plaintiff was taken back to the transportation van and then placed inside. Still restrained by the waist-chains and leg-restraints, Plaintiff requested to be secured with a seat-belt. The defendants did not respond to this, nor did they place a seat-belt on Plaintiff. At this time, Defendant Castone proceeded to maneuver the van out of the parking space. During this process, Defendant Castone tapped the side of a car that was parked next to the van just enough to wobble the van. Plaintiff almost fell out of his seat, but regained balance. Defendant Castone immediately stopped and then both defendants began to inspect the van and parked car for possible damage. Once the defendants finished their inspection, they returned to the van and Defendant Castone proceeded to drive the van back to Calipatria state prison.

5. While Defendant Castone drove, Plaintiff became aware of several cars driving alongside the van that were honking. Plaintiff then noticed that Defendant Castone had slightly crossed-over to the right lane and had almost hit a car. Immediately fearing for his personal safety, Plaintiff stated to Defendant Castone the following: "Hey man, you almost hit that car! What's up officer? Let your partner drive. I saw you practically falling asleep when I was having my session with the doctor. Then you tapped that parked car in the hospital's parking lot. Come on officer! I'm an old man, and I have no seat-belt on back here. I'm going to get seriously hurt if you continue to drive like this." Plaintiff then asked the defendants if they could at least pull over to put a seat-belt on him. Again the defendants did not respond, nor did they fasten a seat-belt on Plaintiff.

6. About 10 minutes later, Defendant Castone made a stop at a gas station.⁴ Defendant Hueso exited to pump gas into the van, and once he was done, Defendant Castone proceeded to park the van in a parking space. But as he maneuvered

⁴. Exact name and location is currently unknown to Plaintiff.

the van into the space, it appeared Defendant Castone was having difficulty straightening the van to align it into the space. After making several unsuccessful attempts, Defendant Castone became frustrated and suddenly accelerated the van quickly forward, then reverse. The back-end of the van then rammed into a cylinder concrete block (See Gas Station Draft, attached as Exhibit C). The impact immediately flung Plaintiff head-first into the inside back part of the van where many bolts were protruding (See Transportation Van Draft, Exhibit B). One of the bolts punctured Plaintiff's head and immediately knocked Plaintiff unconscious for what he believes was several seconds. When Plaintiff regained conscious, he found himself on the floor of the van covered with blood. A gush of blood was oozing down from his head and he felt excruciating pain pulsating in his head. Plaintiff noticed Defendant Castone was still trying to park the van. Plaintiff then kicked the front section of the cage inside the van to alert the defendants of his injury. Defendant Castone finally parked and both defendants made their way to Plaintiff. Plaintiff requested that they call "911" because his head was hurting alot and he was bleeding profusely. The defendants placed a cloth on Plaintiff's head and stated they would drive him to the Emergency Room at Alvarado Hospital. Defendant Hueso then drove to the hospital.

7. Upon arrival to Alvarado Hospital, Plaintiff was taken to the Emergency Room. At approximately 3:53 p.m., Plaintiff was examined and treated by Dr. Arnold Kremer Do for a Head Puncture Wound (See After-Care Instructions, dated 7/18/07, attached as Exhibit D). After being treated and given a new prison jumpsuit to put on (initial jumpsuit was covered with Plaintiff's blood), Plaintiff was transported back to Calipatria state prison. Again he was not buckled-in with a seat-belt. Defendant Hueso drove.

8. As a result of this incident that occurred on this date, Plaintiff sustained a permanent scar to his head. Also, Plaintiff has been, and

continues to, suffer from pain and strong headaches as a result of this injury.

9. Upon information and belief, the defendants are obligated by federal law to restrain seat-belts on prisoners prior to operating a vehicle.

10. Upon information and belief, the defendants are trained to detect and prevent unsafe and dangerous driving patterns displayed by an officer that is operating a CDCR transportation vehicle.

11. Upon information and belief, the defendants are obligated by law and their employers to report accidents as they occur while performing their duties.

CLAIMS FOR RELIEF FOR COUNT 1:

12. The defendants exercised Deliberate Indifference to Plaintiff's health and safety by refusing, for no reason, to fasten a seat-belt on Plaintiff. The defendants had actual knowledge and notice that Plaintiff was not restrained by a seat-belt when Plaintiff requested several times to have a seat-belt placed on him. Defendant Castone created a dangerous situation through his dangerous driving patterns, and without a seat-belt, the defendants exposed Plaintiff to likely injury up until he was eventually injured. The defendants further displayed Deliberate Indifference to Plaintiff's health and safety when they failed to fasten a seat-belt to Plaintiff after Plaintiff's injury.

13. Defendant Castone exercised Deliberate Indifference to Plaintiff's health and safety by failing to reasonably respond to his dangerous driving patterns. Defendant Castone had actual knowledge and notice of his dangerous driving patterns when he tapped a car in the parking lot of Alvarado Hospital, and when he almost hit a car while driving (which at that time Plaintiff made aware to him). Defendant Castone took no reasonable precautions to safely protect Plaintiff during the transportation up until Plaintiff's injury.

14. Defendant Hueso exercised Deliberate Indifference to Plaintiff's

health and safety by failing to reasonably respond to Defendant Castone's dangerous driving patterns. Plaintiff informed Defendant Hueso of Defendant Castone's dangerous driving patterns, knew about Defendant Castone tapping a parked car in Alvarado Hospital's parking lot, and observed Defendant Castone practically falling asleep in the doctor's room. Defendant Hueso did not take no precautions to protect Plaintiff from Defendant Castone's dangerous driving patterns as it was occurring. Instead, Defendant Hueso continued to allow Defendant Castone to drive up until the moment Plaintiff was injured.

15. As a result of the Deliberate Indifference exercised by the aforementioned defendants, Plaintiff suffered harm to his head. Plaintiff sustained a puncture wound to his head, which has left permanent scarring to his scalp. Plaintiff has been, and continues to, suffer from pain and strong headaches.

Count 2: The following civil right has been violated: TORT OF NEGLIGENCE PER SE UNDER
 (E.g., right to medical care, access to courts,
STATUTE OF CALIFORNIA FOR FAILURE TO SECURE PLAINTIFF WITH SEAT-BELT
 due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment,
 etc.) VIOLATED STATUTE: CALIFORNIA VEHICLE CODE SECTION 27315.

Supporting Facts: [Include all facts you consider important to Count 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 2.]

1. Plaintiff realleges and incorporates by reference Sections A, B, and the "Supporting Facts" in Section C, Count 1, of this complaint.

2. This claim is for "Negligence Per Se" of the defendants for their failure to restrain Plaintiff with a seat-belt during a transportation trip that occurred on 7/18/07, so as to cause injury to Plaintiff.

3. Under California Vehicle Code Section 27315, it was the duty of the defendants to restrain Plaintiff with a seat-belt prior to transporting Plaintiff in a moving vehicle.

4. On 7/18/07, the defendants disregarded their duty by negligently failing to restrain Plaintiff with a seat-belt. The defendants had actual knowledge and notice Plaintiff was not secured with a seat-belt when, on several occasions, Plaintiff requested to be restrained by one. The Defendants knew Plaintiff could not personally restrain a seat-belt on himself -- due to the mechanical restraints on his person -- but despite this knowledge and notice, defendants breached their duty owed to Plaintiff.

5. The defendants had actual knowledge and notice that Defendant Castone was driving dangerously when Plaintiff notified the defendants that because of Defendant Castone's driving, Defendant Hueso should instead drive. Driving patterns of Defendant Castone was enough to show that a car accident could likely occur, and as a result, without a seat-belt on his person, Plaintiff could likely suffer substantial harm or death. Despite this, the defendants took no precautions to protect Plaintiff by means of a seat-belt.

6. As a result of this incident, Plaintiff received a puncture wound to his head, and has suffered from permanent scarring and recurring headaches.

7. Failure to restrain Plaintiff with a seat-belt directly resulted in harm to Plaintiff, which constitutes a Tort of Negligence Per Se under the law of California.

Count 3: The following civil right has been violated: _____

(E.g., right to medical care, access to courts,

No other claims being raised.

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 3. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 3.]

No other claims being raised: Not Applicable.

D. Previous Lawsuits and Administrative Relief

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts involved in this case? ☐ Yes ☒ No.

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: Not Applicable.

Defendants: _____

(b) Name of the court and docket number: _____

(c) Disposition: [For example, was the case dismissed, appealed, or still pending?] _____

(d) Issues raised: _____

(e) Approximate date case was filed: _____

(f) Approximate date of disposition: _____

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.] ? ☒ Yes ☐ No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

Plaintiff used the prisoner grievance procedure available at Calipatria State Prison, CA 92233, to try and solve the problem. On 2/5/08, Plaintiff's grievance was formally exhausted at the Director's Level. On 2/29/08, the Victim Compensation and Government Claims Board filed its decision regarding Plaintiff's filed claim regarding this incident. Plaintiff's grievance and filed claim were both rejected. Thus, Plaintiff has sought and formally exhausted available administrative remedies.

E. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s): Not applicable. Plaintiff is
not requesting injunctive relief.

2. Damages in the sum of \$ 12,500.00

3. Punitive damages in the sum of \$ 12,500.00

4. Other: (a) Plaintiff's costs in this suit; (b) Any additional
relief this Court deems just, proper, and equitable.

F. Demand for Jury Trial

Plaintiff demands a trial by ☒ Jury ☐ Court. (Choose one.)

G. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:

☒ Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

☐ Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

5-18-08
Date

Stephen E. Medina
Signature of Plaintiff
Stephen Escondon Medina
CDC# E-63667
PO Box 5002
Calipatria, CA 92233

VERIFICATION

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Calipatria State Prison in California, 92233, on

May
18, 2008.



Stephen Escondon Medina
CDC# E-63667
PO Box 5002
Calipatria, CA 92233

EXHIBIT TABLE OF CONTENTS

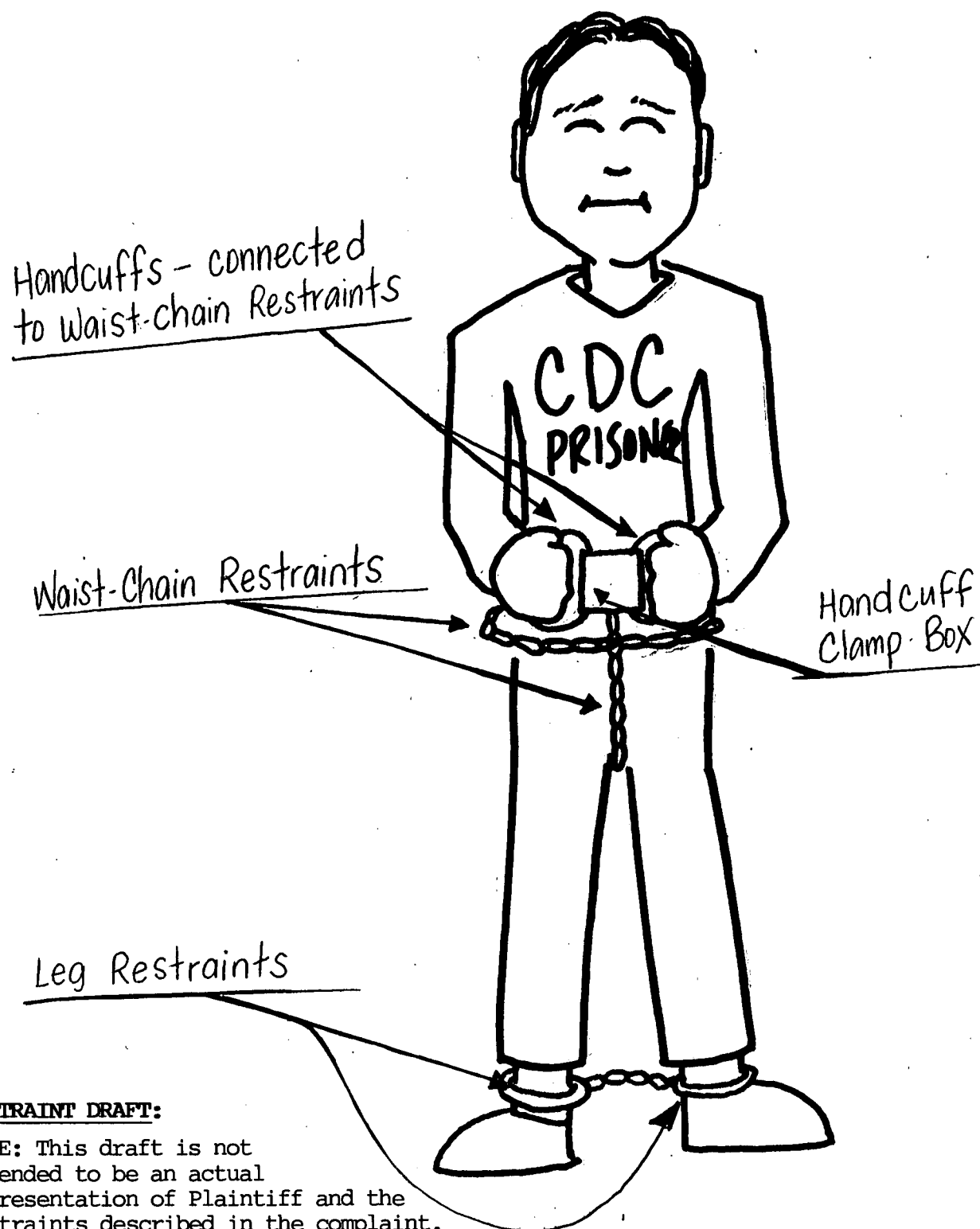
EXHIBIT "A":
RESTRAINT DRAFT

EXHIBIT "B":
TRANSPORTATION VAN DRAFT

EXHIBIT "C":
GAS STATION DRAFT

EXHIBIT "D":
AFTER-CARE INSTRUCTIONS, DATED 7/18/07

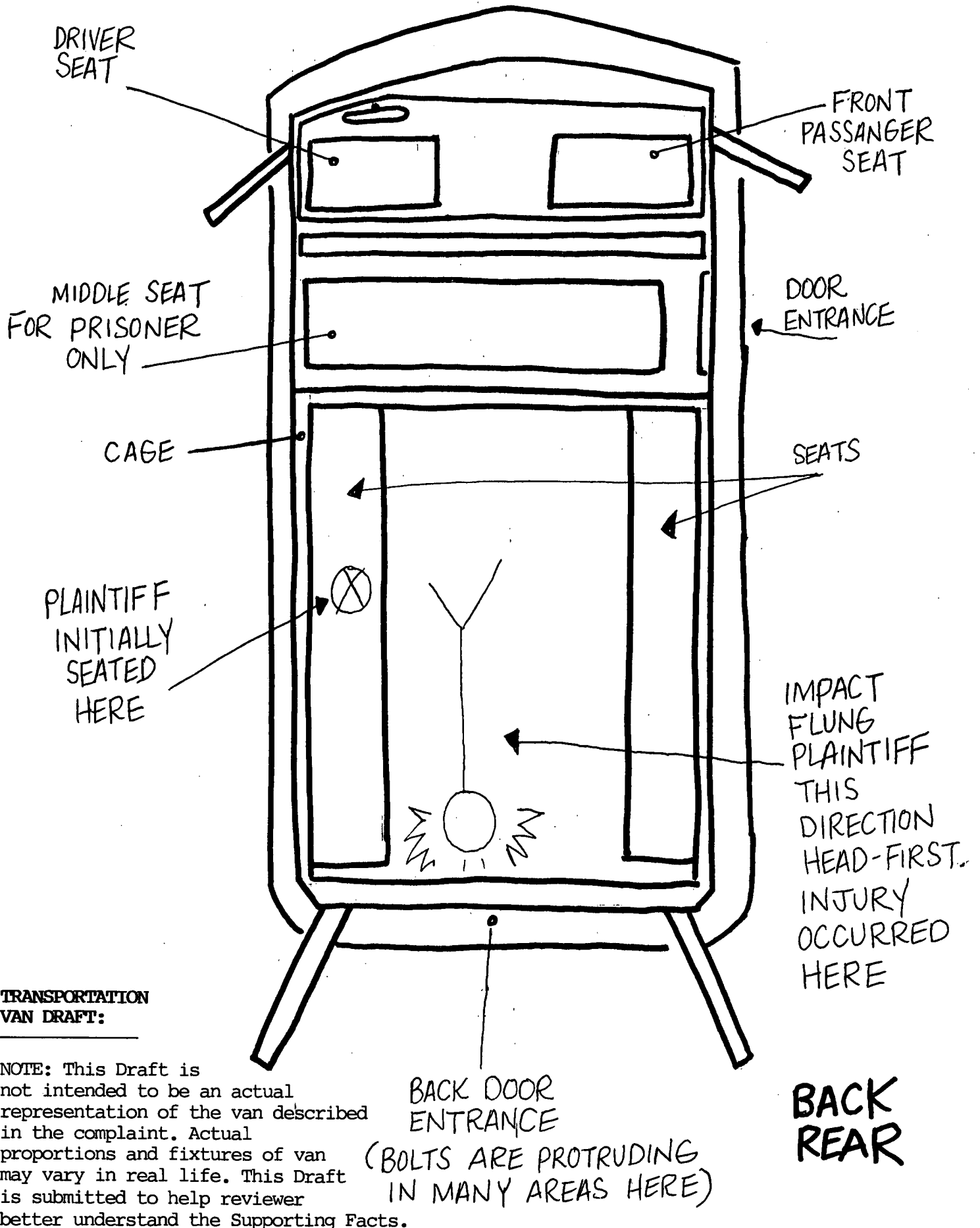
EXHIBIT "A"

**RESTRAINT DRAFT:**

NOTE: This draft is not intended to be an actual representation of Plaintiff and the restraints described in the complaint. Actual proportions and components of restraints may vary in real life. This Draft is submitted only to help reviewer better understand the Supporting Facts described in the complaint.

EXHIBIT " B "

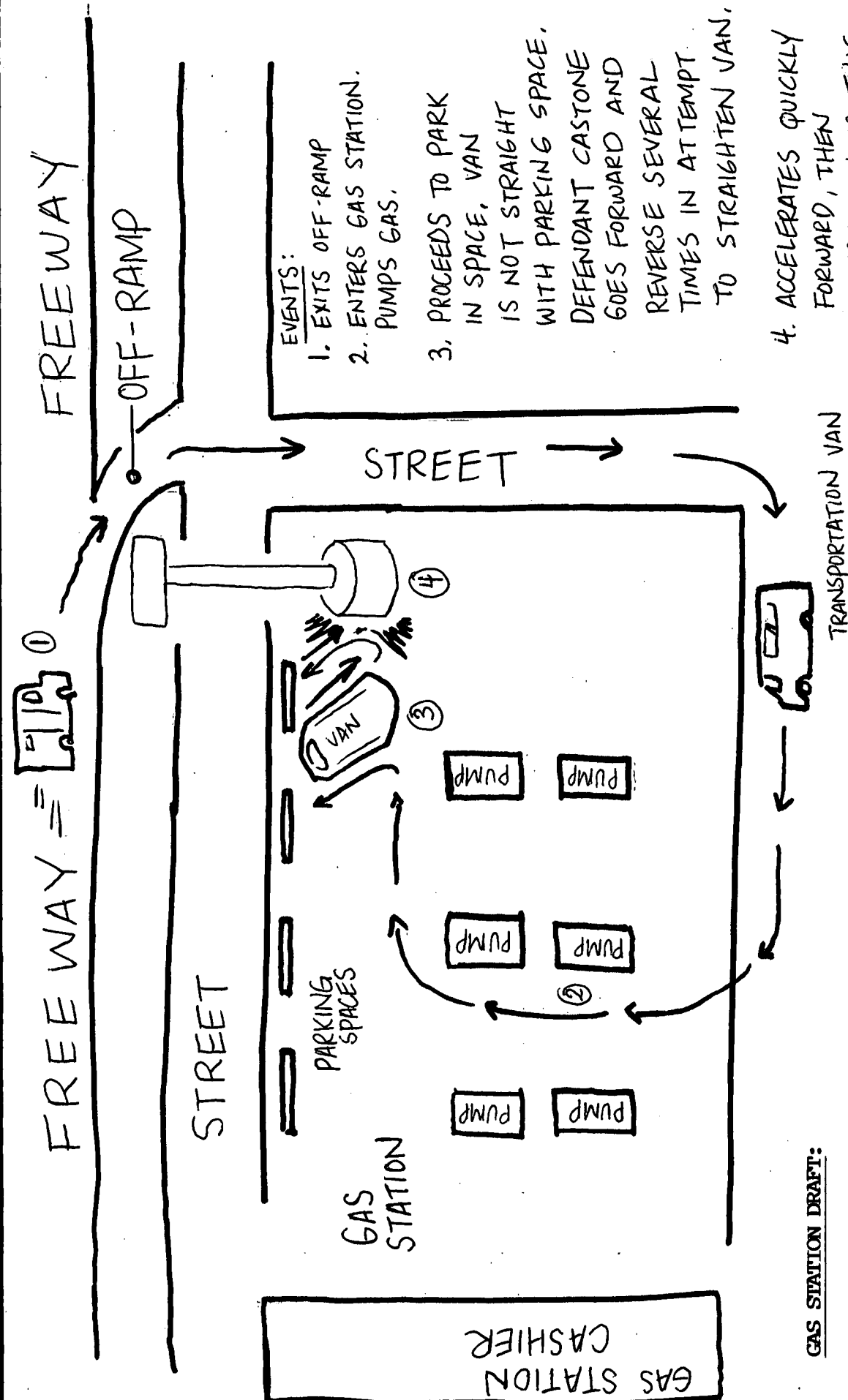
FRONT



**TRANSPORTATION
VAN DRAFT:**

NOTE: This Draft is not intended to be an actual representation of the van described in the complaint. Actual proportions and fixtures of van may vary in real life. This Draft is submitted to help reviewer better understand the Supporting Facts.

EXHIBIT "C"

GAS STATION DRAFT:

NOTE: This draft is not intended to be an actual representation of the gas station described in the complaint. Actual streets, measurements, fixtures, and structures may vary in real life. This Draft is submitted only to help reviewer better understand the Supporting Facts described in the complaint.

EXHIBIT "D"



AFTER CARE INSTRUCTIONS

Patient: **stephen medina**

July 18, 2007 3:53 PM

PLEASE NOTE that the examination and treatment you received here have been rendered on an emergency basis. It is not intended to be a substitute for complete medical care. It is important that you be rechecked as recommended. Promptly report any new or remaining problems, since it is impossible to recognize and treat all elements of an injury or illness in a single visit.

DIAGNOSIS INSTRUCTIONS

PUNCTURE WOUND OF THE SKIN

DIAGNOSIS: You have a puncture wound of the skin. A puncture wound has a high incidence of infection because it frequently has bacteria, clothing or other material embedded deep in the wound. It is very important to observe for symptoms of infection which include redness, red streaks up an extremity, pain, swelling and/or drainage of pus. Follow up with a physician is important.

INSTRUCTIONS: If an extremity is injured, elevate to prevent swelling. Soak area in warm water 4 times a day for 10-15 minutes. Change the dressing after each soak and watch for infection. Do not prevent drainage by using an ointment or other type of occlusive dressing. (Gauze or other type of airy dressing is best.)

Cleanse with peroxide if crusting or scabbing occurs.

CONTACT THE DOCTOR IF: you develop symptoms of infection as mentioned above.

CALL THE FOLLOWING NUMBER(S) TO ARRANGE FOLLOWUP CARE IN 1-2days DAY(S).

Donovan Dr. for recheck

Treating Physician: **ARNOLD KREMER DO**

Calipatria State Prison

SEP 10 2007

Health Records
Inmate Copy

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM)

I (a) PLAINTIFFS

Stephen Escondon Medina

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Imperial
(EXCEPT IN U.S. PLAINTIFF CASES)

2008 1983

FILING FEE PAID
Yes ☒ No ☒

IFP MOTION FILED
Yes ☒ No ☒

COPIES SENT TO COURT
Yes ☒ No ☒

NOTED FOR CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

FILED
2008 MAY 20 PM 2:26
Hueso, et al
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY Rm DEPUTY

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Stephen Escondon Medina
PO Box 5002
Calipatria, CA 92233
E-63667

ATTORNEYS (IF KNOWN)

'08 CV 0896 JLS RBB

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PT | DEF | | PT | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. 1983

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input checked="" type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act 29 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. <input type="checkbox"/> Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(e)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights			

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE

Docket Number

DATE May 20, 2008

SIGNATURE OF ATTORNEY OF RECORD

Rm

CR